

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

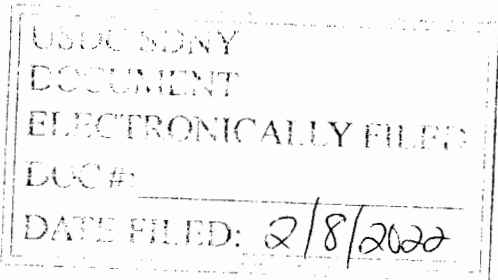
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EZRA TESSEMA,

Plaintiff,

-against-

ENVIRONMENTAL PROTECTION AGENCY,

Defendant.
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20 **CIVIL** 9700 (MKV)

AMENDED JUDGMENT

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated February 8, 2022, the Court dismissed with prejudice Plaintiff's Complaint for lack of subject matter jurisdiction on June 29, 2021. [ECF Nos. 31, 32]. Plaintiff timely appealed. [ECF No. 34]. On February 8, 2022, the Second Circuit dismissed the appeal. [ECF No. 38]. However, because this Court dismissed Plaintiff's claims under the Federal Tort Claims Act for lack of subject matter jurisdiction, dismissal of his claims should have been without prejudice. [ECF No. 38]. As such, the Second Circuit remanded for the Court to modify the judgment to reflect that the dismissal of Plaintiff's complaint is without prejudice. [ECF No. 38]. Therefore, the dismissal of Plaintiff's Complaint is without prejudice.

Dated: New York, New York

February 8, 2022

RUBY J. KRAJICK

Clerk of Court

BY:

K. Mango

Deputy Clerk